

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA	)	Criminal No.: H-97-93
	)	
v.	)	Violations:
	)	
MARK ALBERT MALOOF,	)	15 U.S.C. §1
	)	18 U.S.C. § 371
Defendant.	)	FILED 6/23/97

**UNITED STATES' RESPONSE TO DEFENDANT'S MOTION  
FOR PRODUCTION OF ORIGINAL TAPE RECORDINGS  
FOR ANALYSIS BY DEFENDANT'S EXPERT**

The United States of America, through its undersigned attorney, hereby responds to Defendant's Motion for Production of Original Tape Recordings for Analysis by Defendant's Expert ("Defendant's Motion").

The United States will produce to defendant copies of tape recordings containing statements of the defendant pursuant to Rule 16(a)(1)(A). See United States' Combined Response to Defendant's Motion for Production and Disclosure and Defendant's Supplemental Motion for Production and Disclosure.

The United States also will produce to defendant the original tape recordings he requests in Defendant's Motion ¶ 1, on the condition that they be returned to the government at least 30 days prior to trial.

Respectfully submitted,

\_\_\_\_\_  
/s/

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U.S. Department of Justice  
Antitrust Division  
1601 Elm Street, Suite 4950  
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## **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the United States' Response to Defendant's Motion for Production of Original Tape Recordings for Analysis by Defendant's Expert was sent via Federal Express this \_\_\_ day of June, 1997, to:

J. Mark White, Esq.  
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Birmingham, AL 32503

Albert C. Bowen, Esq.  
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/s/

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Defendant.	)	

**ORDER**

Upon consideration of the Defendant's Motion For Production of Original Tape Recordings for Analysis by Defendant's Experts,

The Defendant's Motion is hereby DENIED as moot.

DONE AND ENTERED THIS \_\_\_\_ day of \_\_\_\_\_, 1997.

\_\_\_\_\_  
United States District Judge